

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-cv-01077-BO-RJ

JOANN FORMISANO,

Plaintiff,

v.

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant,


ORDER

This matter is before the court on Plaintiff's Motion for Judgment on the Pleadings and Defendant's Motion for Remand to the Commissioner for Further Administrative Proceedings. Plaintiff's counsel has been contacted regarding the Government's Motion for Remand and does not consent to the Remand.

Accordingly, for good cause shown, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remands the case to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). Upon remand, the Appeals Council will refer Plaintiff's case to an Administrative Law Judge ("ALJ"), who will offer the claimant the opportunity for a new hearing, take any further action needed to complete the administrative record, and issue a new decision.

The Clerk of Court is directed to enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 13 day of Dec, 2023.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE